

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 20, 2025**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

LYLE MORGAN,

Petitioner,

vs.

NO NAMED RESPONDENT,

Respondent.

No. 1:24-cv-03204-RLP

ORDER DISMISSING PETITION  
FOR FAILURE TO COMPLY WITH  
FILING FEE OR *IN FORMA*  
*PAUPERIS* REQUIREMENTS

On December 11, 2024, Petitioner Lyle Morgan, a *pro se* individual incarcerated at the Kittitas County Corrections Center, filed a construed Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254. ECF No. 1. Mr. Morgan failed to pay the filing fee or provide an application to proceed *in forma pauperis*. See ECF No. 2.

By letter dated December 13, 2024, the Clerk's Office directed Mr. Morgan to submit an Application to Proceed without Prepayment of Fees and Affidavit and provided him the form with which to do so. *Id.* Specifically,

ORDER DISMISSING PETITION FOR FAILURE TO COMPLY WITH FILING  
FEE OR *IN FORMA PAUPERIS* REQUIREMENTS -- 1

1 the Clerk's Office directed Mr. Morgan to have the "Certificate" portion of the  
2 Application properly completed by an Authorized Officer of the incarcerating  
3 facility. *Id.* In the alternative, the Clerk's Office informed Mr. Morgan that he could  
4 pay the \$5.00 filing fee. *Id.*

5 On January 13, 2025, this Court issued an Order to Comply with Filing Fee  
6 or *In Forma Pauperis* Requirements. ECF No. 3. Once again, Mr. Morgan was  
7 instructed to either pay the \$5.00 filing fee or submit a completed Application to  
8 Proceed without Prepayment of Fees and Affidavit and was provided the form with  
9 which to do so. *Id.* Mr. Morgan was cautioned that failure to do either by February  
10 12, 2025, would be construed as his consent to the dismissal of this action. *Id.* at 2.  
11 To date, Mr. Morgan has neither paid the filing fee nor submitted an application to  
12 proceed *in forma pauperis* as directed.

13 Accordingly, **IT IS HEREBY ORDERED:**


14 1. The Petition, **ECF No. 1**, is **DISMISSED WITHOUT PREJUDICE**  
15 for failure to comply with the filing fee or *in forma pauperis* requirements set forth  
16 in Rule 3(a) of the Rules Governing Section 2254 Cases in the United States  
17 District Courts.

18 2. The Clerk's Office shall **ENTER JUDGMENT** and **CLOSE** this file.  
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1           3.     The Court certifies that an appeal from this decision could not be  
2 taken in good faith and there is no basis upon which to issue a certificate of  
3 Appealability. *See* 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

4           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
5 and provide a copy to Mr. Morgan at his last known address.

6           **DATED** February 20, 2025.

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9           REBECCA L. PENNELL  
UNITED STATES DISTRICT JUDGE